

United States District Court  
for the  
Southern District of Florida

Previlon Johnson, Plaintiff	)	
	)	
v.	)	Civil Action No. 23-22482-Civ-Scola
	)	
Valerie Tompkins and Gisela	)	
Cardonne Ely, Defendants.	)	

**Order Denying Motion for Leave to Appeal *In Forma Pauperis***

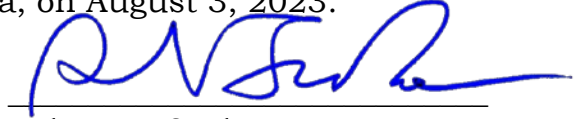
Plaintiff Previlon Johnson has moved for leave to proceed *in forma pauperis* on appeal. (Pl.'s Mot., ECF No. 16.) The Court denies the motion for two reasons: (1) the motion does not satisfy the requirements of Rule 24(a)(1) of the Federal Rules of Appellate Procedure, and (2) Johnson's appeal is not taken in good faith. Either of these reasons is sufficient on its own to deny the motion.

Rule 24(a)(1) of the Federal Rules of Appellate Procedure provides that a party filing a motion in district court seeking to appeal *in forma pauperis* must attach an affidavit to the motion that, among other things, "claims an entitlement to redress" and "states the issues that the party intends to present on appeal." Fed. R. App. P. 24(a)(1)(B)–(C). Johnson does not set forth the issues he intends to present on appeal or even identify an order he purports to be appealing. Indeed, Johnson's motion does not address the appeal at all.

Further, Johnson's motion is not taken in good faith. "An appeal may not be taken *in forma pauperis* if the trial court certifies in writing that it is not taken in good faith." 28 U.S.C. § 1915(a)(3). "A party demonstrates good faith by seeking appellate review of any issue that is not frivolous when examined under an objective standard." *Ghee v. Retailers National Bank*, 271 F. App'x 858, 859 (11th Cir. 2008). An appeal filed *in forma pauperis* is frivolous "when it appears the plaintiff has little or no chance of success," meaning that the "factual allegations are clearly baseless or that the legal theories are indisputably meritless." *Carroll v. Gross*, 984 F.2d 392, 393 (11th Cir. 1993) (internal quotation marks omitted). Johnson's appeal appears to have little or no chance of success: he does not even suggest, never mind actually set forth, a legal theory that appears to have any merit or any material factual allegations that would support an appeal.

For the reasons set forth above, the Court **denies** Johnson's motion for leave to proceed *in forma pauperis* on appeal (**ECF No. 16**).

**Done and ordered**, in Miami, Florida, on August 3, 2023.

A handwritten signature in blue ink, appearing to read 'R. N. Scola, Jr.', written over a horizontal line.

Robert N. Scola, Jr.  
United States District Judge

Copy via U.S. mail to:

**Previlon Johnson**  
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